

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/098,481 06/16/98 MIK

M WD2-98-017

022927
WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD CT 06905

TM02/0419

EXAMINER

HEINZ, A

ART UNIT

PAPER NUMBER

2165

DATE MAILED:

04/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/098,481

Applicant(s)
M. MIK ET AL

Examiner
A. J. HEINZ

Group Art Unit
2165



☒ Responsive to communication(s) filed on Oct 10, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 3-22, 34, 38, 39, 42-45, 50, 51, and 55 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-22, 34, 38, 39, 42-45, 50, 51, and 55 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 12

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2165

1. Applicant is requested to review the specification for missing data such as on page 1, line 8 [missing application data], and make the appropriate changes.

2. Because of the change in status of the claims and the new rejection, the instant action has **not** been made final.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 3-22, 34, 38, 39, 42-45, 50, 51 and 55 are rejected under 35 U.S.C. § 102(b) as being anticipated by Langhans (*IDS, Paper #2, 6/16/98*)

Note that Langhans in Col.5, lines 46-52 indicates that an I) individual cardholder's account may be used for the transaction of business-type expenses by routing those business expenses via

Art Unit: 2165

the cardholder's account to a particular company's account; also see Col.6, lines 45-55, for determining a second account [i.e. the particular company's identity account]; II)that various tests may be applied to a purchase such as merchant authorization and credit limit [col.6, lines 55-65 and col.7, lines 53-65]; and III)that a rule of reimbursement would be inherent when charges incurred personally by the cardholder are billed to the cardholder's account and paid for by the cardholder while the business expenses are billed to the company's account [see col.16, lines 5-23]; also note that implicit in Langhans' system is that all of the tests, merchant tests for example, involved in the point of purchase mode would dictate the rule of reimbursement in the same way that applicant discloses his system to operate.

5. For a complete response applicant should identify how the claimed structure, steps or processes of his invention defines over Langhans.

Moreover, where the applicant disagrees with the reasoning and/or application of the prior art on critical points of the claims, they should identify how the claimed structure, steps or processes of their invention defines over Langhans.

6. Any inquiry concerning this communication or earlier

Serial Number: 09/098,481

Page 3

Art Unit: 2165

communications from the examiner should be directed to A.J. HEINZ whose telephone number is (703)308-1544.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist of Group 2700 whose telephone number is (703)305-3900.

A.J. HEINZ
PRIMARY PATENT EXAMINER
GROUP ART UNIT 2165

A handwritten signature in cursive script, appearing to read "A.J. Heinz", written in black ink.